

NUMBER: 50.11

TITLE: Mobile Digital Video/Audio Recording Systems

SERIES NUMBER: 50

SERIES TITLE / SUBJECT: Operations Support

TOPICS/ REFERENCE: APPENDICIES:

ORIGINAL / EFFECTIVE ISSUE DATE: May 15, 2015

DATE OF LAST REVISION:

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED

CALEA STANDARDS: 41.3.8

Purpose:

This policy addresses the use of Mobile Digital Video/Audio Recording Systems [“MVR equipment”], by officers of this Department. This policy references the statutory limitations on the use of this equipment; establishes procedures and guidelines for equipment maintenance, officer training, supervisor responsibility and equipment use; and establishes procedures to be followed in the administration of recordings resulting from the use of this equipment.

Policy:

The Rockford Police Department will use in-car mobile video recording to assist in documenting traffic enforcement and other law enforcement activities. The use of such equipment shall be in accordance with applicable laws. Proper use and maintenance of the equipment is essential to ensure operational readiness and proper functioning of the equipment.

This Order is comprised of the following numbered sections:

- I. Illinois Statutory Restrictions
- II. Procedures
- III. Recorded Media Retention
- IV. Loading/Unloading of Recorder
- V. Effective Date
- VI. Reviews, Revisions and Cancellations

I. Illinois Statutory Restrictions:

The Illinois eavesdropping law is outlined in Chapter 720 ILCS 5/14. Exceptions to the law are outlined in Chapter 720 ILCS 5/14-3, paragraph (h), which permits recording of oral conversation (recordings made simultaneously with a video recording) between a peace officer who identified his office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code (Chapter 625 ILCS Act 5). The Illinois Supreme Court in *People v. Clark*, 2014 IL 115776, March 20, 2014, declared the Illinois Eavesdrop Statute unconstitutional. As of the date of the enactment of this General Order, the future application of the Illinois Eavesdrop Statute to this General Order is in doubt.

II. Procedures:

A. Maintenance:

1. Overall responsibility for the use and maintenance of MVR equipment shall be assigned to the Commander / Supervisor of the Traffic Unit.
2. Day to day responsibility for MVR equipment rests with the officer(s) assigned to the vehicle. The officer will inspect the MVR prior to beginning his shift and insure operational readiness. This inspection shall include the reporting of any malfunctions and damage to the equipment to the Supervisor of the Traffic Unit. If the MVR is inoperable, the officer must complete a Faulty Equipment Notice and forward it to the Supervisor of the Traffic Unit. The inspection will also consist of verifying that the remote microphone/transmitter is functioning properly.
3. The Supervisor of the Traffic Unit, or designee, will forward all Faulty Equipment Notices to Information Technology and if needed, make arrangements for return of the equipment to the manufacturer or a designated repair facility.

B. Training:

1. All sworn officers assigned to a squad car equipped with the MVR will receive training prior to use.
2. Training shall include, but not be limited to: legal aspects, policies and procedures, voice recording equipment, camera equipment, and digital file transfer.
3. Technical operation training may be conducted by a representative of the manufacturer upon installation, or training may be provided by Department personnel as designated.
4. All Field Services Personnel shall be trained in the operation of the MVR.

C. Operation and Officer Responsibilities (CALEA 41.3.8a):

1. The MVR will be activated, but the system not actively recording at the beginning of each tour of duty for that unit. The MVR system will remain activated but not recording, while the squad car is being operated.
 - a. Should the unit be parked for extended periods of time (longer than 2 hours), the unit will be powered off and then reactivated when the officer returns to service.
2. Officers are mandated to record audio and video of all Illinois Vehicle Code traffic stops with or without emergency lighting and within public domain which may provide evidence or information for policy, criminal or evidentiary purposes, if the vehicle is equipped with the MVR system. This includes, but is not limited to, the response to all high priority calls.
3. Officers shall not cease audio / video recording until the recorded event is completed. For purposes of this policy, a recorded event is completed when the officer believes the recorded audio/visual material no longer has policy, criminal or evidentiary value.
4. All recorded incidents shall be classified, as soon as practical, after the conclusion of the recorded incident. Officers shall classify such incident appropriately for proper media retention purposes. If any question on which classification is appropriate, the officer should consult with a supervisor prior to designating a classification. Recordings made in error will be classified as such and notification shall be made to The Supervisor of the Traffic Unit, or his or her designee who will remove the video as prescribed in the recorded media retention schedule.
5. Only the Commander or Supervisor of the Traffic Unit or their designee shall remove, delete or alter a recording in the MVR system in any manner.

6. Officers may view only the recorded incidents they were involved in for purposes of note taking and preparation for court proceedings.
7. Officers will not make any copy of any video or audio recording in the MVR system without authorization of The Supervisor of the Traffic Unit or Commander of Field Services Bureau.
8. Officers will not give authorization for use of their pass codes to any other person.
9. All operation of the MVR will be in accordance with the Purpose and Policy of this General Order.

D. Supervisor Responsibilities:

1. Supervisory personnel who manage officers equipped with MVR equipment shall ensure that all officers follow established policy and procedures set forth in this General Order.
2. The Field Services Bureau Commander or designee shall conduct monthly reviews of the MVR digital recordings from the officers assigned to their shift. The Field Services Bureau Commander or designee shall select five (5) officers from their shift and review their MVR recordings for the prior thirty (30) days with the purpose to assess officer performance, to identify material that may be appropriate for training, and to ensure compliance with this General Order. Field Services Bureau Commander s will select five (5) different officers each month until the rotation begins again.
3. Supervisory personnel who manage officers equipped with MVR equipment shall ensure that MVR equipment is maintained in operational readiness condition and facilitate the repair process.
4. For purposes of prosecution in criminal or traffic offenses, The Supervisor of the Traffic Unit, or his or her designee shall accept requests from the City Legal Department and the Winnebago County State's Attorney's Office to provide digital media copies. If the City Legal Department or Winnebago County State's Attorney's Office has viewing privileges in the MVR as granted by the Rockford Police Department, The Supervisor of the Traffic Unit, or his or her designee may classify such offense incidents as "court requested" in order to allow digital media copies to be made.
5. No supervisor other than the Supervisor of the Traffic Unit shall remove, delete, or alter a recording in the MVR system in any manner.
6. Supervisors will not make any copy of any video or audio recording in the MVR system without authorization of the Commander or Supervisor of the Traffic Unit or the Commander of Field Services Bureau.
7. Supervisors will not give authorization for use of their pass codes to any other person.
8. Nothing in this order prohibits the Department to make copies of incidents for training purposes, officer accountability, or other legitimate Department approved purpose.

III. Recorded Media Retention (CALEA 41.3.8c):

- A. Recordings will remain in electronic storage for a minimum of 90 days, in compliance with 720ILCS 5/14-3(h-15).
 1. Digital recordings entered onto the server will be handled according to evidence retention schedules.
 - a. Evidence retention schedules will be set by the Department after consulting

with Rockford City Legal Department, the Winnebago County State's Attorney's Office and/or the United States Attorney's Office if necessary.

- b. Evidence retention schedules may be modified when the server is near capacity.

B. Recorded retention schedules are as follows:

1. Recordings made that are non-evidentiary or made in error may be deleted after 90 days of storage.
2. Recordings of traffic or criminal investigations that do not involve an arrest or citation may be deleted after 90 days of storage.
3. Recordings of traffic or criminal investigations that do involve arrest or citation shall be retained per Illinois criminal code and Illinois Administrative Rules.
4. Recordings of any personnel incident or incident designated for training purposes will be deleted at the discretion of The Supervisor of the Traffic Unit or Commander of Field Services.
5. Any video and audio recordings may be removed or indefinitely retained by an order of the court.

- A. Any recording classified as made in error and verified by audit as described above in section II-D-2 to be so may be deleted immediately.
- B. Evidence retention schedules will be programmed and monitored by the Information Technology Section with the overall responsibility of the Commander of Field Services.
- C. Nothing in this General Order prohibits the Chief of Police, or designee, from maintaining a digital recording longer than the evidence retention schedule specifies.

IV. Loading/Unloading of Recorder: (CALEA 41.3.8b):

- F. The mobile video/audio recording equipment will automatically download recorded information to the department's network server anytime the unit is within range of one of the wireless transfer antennas. The unit will complete this process automatically with no input from the officer. Since the units are digital, and the recorded images are stored on the internal network, there is no media exchange needed. All recordings are maintained live on the department's network for a period of time depending on the defined retention rules. The server is located in a secure location and may only be accessed by IT personnel.
- G. The media access door on the unit shall be kept locked at all times. Only a supervisor may manually load or unload the recorder as needed.
- H. If a recording was made during the process of a DUI arrest or other incident for which the officer reasonably believes the recording may be of evidentiary value, the digital recording will be stored live on the network for the defined period of time. Archived recordings are stored within their section and are maintained indefinitely. Recordings may be made onto a transportable media format for investigative or court purposes at any time after the information has been downloaded from the vehicle. For additional guidelines and procedures that may be applicable, refer to general order 60.01 - collection and handling of evidence and found property.
- I. No reproduction of a recording may be made without the knowledge and consent of the Chief or designee.

V. Effective Date:

- B. The Department's policy on the use of Video Surveillance Equipment became effective on April 01, 2015

VI. Reviews, Revisions and Cancellations:

- B. This General Order will be reviewed each September by the Commander of the Field Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
- C. This order does not supercede or cancel any previously issued Department policy or procedure.
- C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to Commander of the Field Services Bureau.

BY ORDER OF

Chet Epperson

Chief of Police